

Order 2002-12-10



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 10th day of December 2002

Served: December 13, 2002

Application of

**DAYSTAR AIRWAYS, LTD.
d/b/a NEVIS EXPRESS**

Docket OST-99-5062

for reissuance of its section 41102 certificate to add
additional points to Route 786

ORDER DISMISSING APPLICATION

Daystar Airways, Ltd. d/b/a Nevis Express, a small certificated air carrier, was issued effective authority on November 14, 2000, by Order 2000-11-12 to provide foreign scheduled air transportation of persons, property and mail between the United States and Nevis and St. Kitts, West Indies, using aircraft with no more than nine passenger seats. Daystar's authority was reissued by Order 2001-5-29 to replace the condition that limits its operations to aircraft designed to have a maximum passenger capacity of 9 seats with a condition that limits its operations to aircraft that can be operated under Part 135 of the Federal Aviation Regulations.¹

Since being found fit to provide foreign scheduled service, the carrier has operated a fleet of up to three aircraft (two 9-seat BN-Islanders and one 9-seat Beechcraft 1900) on flights between San Juan and Nevis and between Nevis and St. Kitts, as well as to other islands in the eastern Caribbean.²

On April 15, 2002, Daystar submitted an application in Docket OST 99-5062 to amend its certificate to include the additional points of the Dominican Republic, Antigua, Anguilla, Barbados, and the Netherland Antilles. Daystar supplemented its application with additional information on September 30 and again on October 15.

¹ The limitation in Daystar's certificate was modified to allow it to operate a Beechcraft 1900 aircraft that was designed to hold up to 19 seats, but which Daystar intended to operate with only 9 seats under its Part 135 certificate.

² On December 2, Daystar advised us that it had suspended its operations to San Juan, but was continuing its shuttle service between St. Kitts and Nevis.

On December 2, 2002, Daystar advised us that, due to operational and market conditions, it was withdrawing the application.

In light of the above, we have decided to dismiss Daystar's application in Docket OST-99-5062 to operate to five additional points in the Caribbean.

ACCORDINGLY, Acting under authority assigned by the Department in its regulations, 14 CFR 385.12:

1. We dismiss the application filed on April 15, 2002, by Daystar Airways, Ltd. d/b/a Nevis Express in Docket OST-99-5062 to expand its operations to the Dominican Republic, Antigua, Anguilla, Barbados, and the Netherland Antilles.
2. We will serve a copy of this order on the persons listed in Attachment A.

Persons entitled to petition the Department for review of this order under the Department's Regulations, 14 CFR 385.30, may file their petitions within 10 days of the service date of this order.

This order shall be effective and become the final action of the Department of Transportation upon the expiration of the above period unless within such period a petition for review is filed or the Department gives notice that it will review this order on its own motion.

By:

RANDALL D. BENNETT
Director
Office of Aviation Analysis

(SEAL)

ATTACHMENT A

SERVICE LIST FOR DAYSTAR AIRWAYS, LTD.

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PRESIDENT
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